

BEFORE: MICHAEL L. ORENSTEIN

DATE November 30, 2006

UNITED STATES MAGISTRATE JUDGE

TIME ON: 11:30

TIME OFF: \_\_\_\_\_

DOCKET# CV 05-4748

ASSIGNED JUDGE: VITALIANO

CASE NAME: Online Benefits v. Benefits Technology

CIVIL CONFERENCE

Initial\_\_\_\_ Status X Discovery \_\_\_\_ Settlement\_\_\_\_

Pretrial\_\_\_\_ Pre-Motion \_\_\_\_

Motion\_\_\_\_\_

TAPE #\_\_\_\_\_

APPEARANCES: Plaintiff \_\_\_\_\_

Defendant \_\_\_\_\_

Discovery completed by \_\_\_\_\_

\*The discovery completion date specified in any pre-trial order is the last day to serve discovery responses. To be timely, discovery requests must be served sufficiently in advance of the discovery completion date for responses to be served prior to the discovery completion date.

Next \_\_\_\_\_ conference \_\_\_\_\_

Pre-Trial Order filed by \_\_\_\_\_

Plaintiff \_\_\_\_\_

Defendant \_\_\_\_\_

*Report and Recommendation*

THE FOLLOWING RULINGS WERE MADE:

*No appearance by defendant by counsel or corporate principal has not been contacted this court. This court reports and recommends that the defendants answer the summons and defendants' counterclaim be dismissed. See Order dated 10/31/06, cases cited therein. Fed. R. Civ. P. 16(f) and 41. The court's order dated 10/31/06 was ruled to corporate principal.*

## OBJECTIONS

Any objections to this Report and Recommendation must be filed with the Clerk of the Court with a copy to the undersigned within ten (10) days <sup>revised</sup> of the date of this Report. Failure to file objections within this period waives the right to appeal the District Court's Order. *See* 28 U.S.C. 636 (b)(1); Fed. R. Civ. P. 72, 6(a), 6(e); *Beverly v. Walker*, 118 F.3d 900, 902 (2d Cir. 1997); *Savoie v. Merchants Bank*, 84 F.3d 52, 60 (2d Cir. 1996); *IUE AFL-CIO Pension Fund v. Herrmann*, 9 F.3d 1049, 1054 (2d Cir. 1993); *Roldan v. Racette*, 984 F.2d 85, 89 (2d Cir. 1993); *Frank v. Johnson*, 968 F.2d 298, 299 (2d Cir. 1992).

Dated: Central Islip, New York

11/30/06

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MICHAEL L. ORENSTEIN  
United States Magistrate Judge

*med*  
*USATJ*